

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

THOMAS GREEN,

Plaintiff,

Case No. 13-12305

v.

TIMOTHY JOHNSON, ET AL.,

Defendants.

Paul D. Borman  
United States District Judge

R. Steven Whalen  
United States Magistrate Judge

ORDER:

- (1) ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION (ECF NO. 22) AND  
(2) GRANTING DEFENDANT MDOC'S MOTION TO DISMISS (ECF NO. 15)

Before the Court is Magistrate Judge R. Steven Whalen's Report and Recommendation recommending that the Court grant Defendant Michigan Department of Corrections's ("MDOC") Motion to Dismiss based on Eleventh Amendment immunity. (ECF No. 22, Report and Recommendation). The Court notes Plaintiff previously requested an extension of time in which to respond to this Report and Recommendation. (ECF No. 23). This request was granted on March 17, 2014 and Plaintiff was granted 60 days from the date of that Order to file an objection. (ECF No. 26). However, Plaintiff failed to file an objection to the Report and Recommendation.<sup>1</sup>

Therefore, having reviewed the Report and Recommendation, and there being no timely objections from either party under 28 U.S.C. § 636(b)(1) and E.D. Mich L.R. 72.1(b), the Court:

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<sup>1</sup> The Court notes Plaintiff filed an objection (ECF No. 25) to a later filed Report and Recommendation in which the Magistrate Judge recommends granting Defendant Johnson's Motion for Summary Judgment (ECF No. 24).

- (1) ADOPTS the Magistrate Judge's Report and Recommendation (ECF No. 22);
- (2) GRANTS Defendant MDOC's Motion to Dismiss (ECF No. 15); and
- (3) DISMISSES Defendant MDOC with PREJUDICE.

IT IS SO ORDERED.

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: August 14, 2014

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 14, 2014.

s/Deborah Tofil  
Case Manager